

Message Text

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70

ACTION L-03

INFO OCT-01 EA-11 ADP-00 PM-07 NSC-10 SS-15 RSC-01 CIAE-00

INR-10 NSAE-00 PA-03 PRS-01 USIA-15 OMB-01 /078 W

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R 160741Z AUG 73

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC 9516

INFO SECDEF WASHDC

CINCPAC

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C O N F I D E N T I A L SEOUL 5435

E.O. 11652: GDS

TAGS: MARR, KS, US

SUBJECT: NEW ROK CONSTITUTION AND SOFA

JOINT EMBASSY/COMUSK MESSAGE

REF: (A) STATE 132435; (B) SEOUL 1807

DEPARTMENT PLEASE PASS DEPARTMENT OF ARMY FOR TJAG-IA

1. PURSUANT REF A USFK REPRESENTATIVES PRESENTED POSITION CONTAINED PARA 6, REF B THROUGH SUBCOMMITTEE CHANNELS OF THE SOFA JOINT COMMITTEE. ROKG HAS TURNED DOWN OUR PROPOSAL HOWEVER, ON GROUNDS IT WOULD GIVE US RIGHT TO SUSPEND ARTICLE XXII OF SOFA ON BASIS OF UNILATERAL INTERPRETATION OF ACTIONS TAKEN UNDER ARTICLE 53 OF ROK CONSITITUTION. ACCORDINGLY WE ARE TABLING FALL BACK POSITION REFERRED TO IN PARA 2, REF A. LANGUAGE OF OUR SECOND PROPOSAL IS AS FOLLOWS:

2. QUOTE: ACKNOWLEDGING THAT EMERGENCY MEASURES UNDER ARTICLE 53 OF THE ROK CONSITTUTION WOULD, UNDER SOME CIRCUMSTANCES IMPAIR THE RIGHT OF PERSONNEL GUARANTEED BY THE PROVISIONS OF ARTICLE XXII, AGREED
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MINUTES RE PARA 9(A), AND ARTICLE XXII, AGREED

UNDERSTANDING 1(B), AND OTHER PERTINENT PROVISIONS
OF THE SOFA AND MAY BE EQUIVALENT TO MARTIAL
LAW WITHIN THE MEANING OF AGREED MINUTES C
PARA 1(B), ARTICLE XXII OF THE US-ROK SOFA,
THE REPRESENTATIVES OF THE REPUBLIC OF KOREA
AND THE UNITED STATES, FOLLOWING INVOCATION OF
ARTICLE 53 AND UPON THE REQUEST FROM THE
AUTHORITIES OF EITHER OF THE GOVERNMENTS, SHALL
CONSULT ON THIS MATTER. UNQUOTE.
HABIB

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NNN

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